

EXHIBIT A

Case 1:18-cv-02676-WFK-LB Document 53 Filed 07/24/19 Page 26 of 35 PageID #: 351

QRY DATE: 02/08/19 AN: 129-50-5246 DOC: 150 UNIT: MA PG: 003+ DEQR
 OASDI EMPLOYER TOTAL 4860.00
 95 OASDI YEARLY TOTAL 4860.00

EIN: 112836080

STEINWAY AUTO PARTS INC
 180 FRONT ST
 HEMPSTEAD

NY 11550-3816

RPYR REO LOAC NAME EARNINGS TOTAL COMP CONTROL NUMBER PR S
 0097 AA D PFLANZ 1261.75 1261.75 7061-85-31802 00398 V
 WAGE TOTAL 1261.75

OASDI EMPLOYER TOTAL 1261.75

EIN: 113220577

MORICHES SERVICE CO INC
 11 PENN PLZ
 NEW YORK

NY 10001-2006

0097 AA D J PFLANZ 4101.88 4101.88 7155-86-11944 01698 V
 WAGE TOTAL 4101.88

OASDI EMPLOYER TOTAL 4101.88

EIN: 742226747

ROYCE INVESTMENT GROUP INC
 199 CROSSWAYS PARK DR
 WOODBURY

NY 11797-2016

0097 AA D PFLANZ 500.00 500.00 7086-86-44240 00798 V
 WAGE TOTAL 500.00
 OASDI EMPLOYER TOTAL 500.00
 97 OASDI YEARLY TOTAL 5863.63

98 NONE

99 NONE

SELF EMPLOYMENT

RPYR REO SMEM NAME EARNINGS SE NUMBER CONTROL NUMBER PR S
 SE00 OI D J PFLANZ 4498.00 110000000 2211-72-17303 02503 V
 OASDI SELF EMPLOYMENT TOTAL 4498.00
 00 OASDI YEARLY TOTAL 4498.00

EIN: 112584636

RICKYS COFFEE SHOP INC
 325 MERRICK AVE
 EAST MEADOW

NY 11554-1556

RPYR REO LOAC NAME EARNINGS TOTAL COMP CONTROL NUMBER PR S
 0001 AA D PFLANZ 648.00 738.00 1212-69-04465 02902 V
 WAGE TOTAL 648.00
 AT D PFLANZ 90.00 00 1212-69-04465 02902
 TIPS TOTAL 90.00
 OASDI EMPLOYER TOTAL 738.00

SELF EMPLOYMENT

RPYR REO SMEM NAME EARNINGS SE NUMBER CONTROL NUMBER PR S
 SE01 OI D J PFLANZ 5385.00 110100000 2211-72-17302 02603 V
 OASDI SELF EMPLOYMENT TOTAL 5385.00
 01 OASDI YEARLY TOTAL 6123.00

SELF EMPLOYMENT

RPYR REO SMEM NAME EARNINGS SE NUMBER CONTROL NUMBER PR S
 SE02 OI D J PFLANZ 6631.00 110200000 2211-72-17304 02603 V
 OASDI SELF EMPLOYMENT TOTAL 6631.00
 02 OASDI YEARLY TOTAL 6631.00

EIN: 113191862

IVAN P ABRAHAMSON & HAL F
 ABRAHAMSON PIR

Social Security Administration
 138-50 Barclay Avenue
 Flushing, New York 11355-2554
 www.socialsecurity.gov

Feb. 08 2019 03:45PM P2

PHONE NO. : 718 591 0507

FROM : VILLAGE STREET VINC

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QRY DATE: 02/08/19 AN: 129-50-5246 DOC: 150 UNIT: MA PG: 004+ DEQR
ADVANCED FOOT CARE ASSOC
9707 63RD RD
REGO PARK

RPYR	REO	LOAC	NAME	EARNINGS	NY 11374-1607	TOTAL COMP	CONTROL NUMBER	PR	S
0003	AA		D PFLANZ	7167.50		7167.50	3068-85-48425	00804	V
			WAGE TOTAL	7167.50					
			OASDI EMPLOYER TOTAL	7167.50					
			03 OASDI YEARLY TOTAL	7167.50					

EIN: 113191882	IVAN P ABRAHAMSON & HAL F							
RPYR	REO	LOAC	NAME	EARNINGS	TOTAL COMP	CONTROL NUMBER	PR	S
0004	AA		D PFLANZ	10533.00	10533.00	4083-85-48676	01005	V
			WAGE TOTAL	10533.00				
			OASDI EMPLOYER TOTAL	10533.00				
			04 OASDI YEARLY TOTAL	10533.00				

EIN: 113191882	IVAN P ABRAHAMSON & HAL F							
RPYR	REO	LOAC	NAME	EARNINGS	TOTAL COMP	CONTROL NUMBER	PR	S
0005	AA		D PFLANZ	9751.75	9751.75	5061-87-70065	00706	V
			WAGE TOTAL	9751.75				
			OASDI EMPLOYER TOTAL	9751.75				
			05 OASDI YEARLY TOTAL	9751.75				

EIN: 136400434

CITY OF NEW YORK
% OFFICE OF PAYROLL ADMINISTRATION
450 W 33RD ST FL 4
NEW YORK

RPYR	REO	LOAC	NAME	EARNINGS	NY 10001-2633	TOTAL COMP	CONTROL NUMBER	PR	S
0006	AA		D J PFLANZ	207.02		207.02	6088-88-96076	01107	V
			WAGE TOTAL	207.02					
			OASDI EMPLOYER TOTAL	207.02					
			06 OASDI YEARLY TOTAL	207.02					

07 NONE

08 NONE

09 NONE

10 NONE

11 NONE

12 NONE

13 NONE

14 NONE

15 NONE

16 NONE

17 NONE

18 NONE

EIN

Employee

FDea

Number

113191882

EXHIBIT B

AFFIDAVIT

STATE OF NEW YORK
COUNTY OF QUEENS

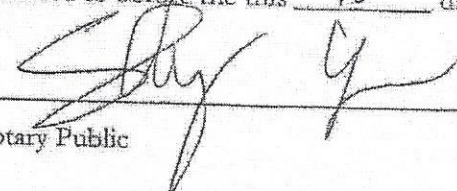
)
) ss.:

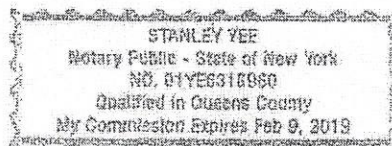
George Habersumpf makes the following affirmation under the penalties of perjury. Upon information and belief:

1. I reside at 43-60 Douglaston Pkwy Apt 604, Little Neck, NY 11363.
2. I am a friend of the family and I was a patient of Dr. Ivan Abrahamson's for about five years before his passing and once a patient of Dr. Hal Abrahamson's about 20 years ago.
3. I have known Daniel Pflanzner since the first grade.
4. I knew Daniel's mother and father before their passing and Daniel's sister before her passing. I know Dr. Ivan's widow, Jean Abrahamson, I know Dr. Hal Abrahamson, and I even knew Dr. Ivan Abrahamson's father who started the podiatry practice.
5. My mother was also a patient of Dr. Ivan Abrahamson's and I would often accompany my mother on her visits.
6. Consequently, I was exposed to the family podiatry office from both a personal and patient perspective many, many times over the decades.
7. I can say with certainty that Daniel worked at the Rego Park office and the Flushing office going back for a long time, until recently. Before Daniel worked there, his sister worked there until she passed away, and his mother until her passing before that. It was a true family business and all the Pflanzers, Ivan's sister and niece and nephew (Daniel), worked for Ivan Abrahamson, as did Ivan's wife, Jean, and son Dr. Hal Abrahamson.
8. I personally witnessed Daniel working there many times over the years. Often when I would go there, he would be performing duties such receptionist work, greeting patients, setting up for patients, and even cleaning the office.


George Haberstumpf

Affirmed to before me this 16th day of August 2018


Notary Public



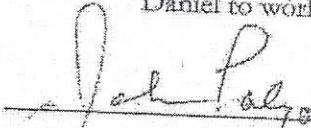
AFFIDAVIT

STATE OF NEW YORK
COUNTY OF QUEENS


)
) ss.:

John Palyo makes the following affirmation under the penalties of perjury.
Upon information and belief:

1. I reside at 138-47 64th Ave, Flushing, NY 11367.
2. Until his passing, I had been a patient of Dr. Ivan Abrahamson's for over 31 years.
3. I know Daniel Pflanzner.
4. I know that Daniel worked for Dr. Ivan Abrahamson for at least a few years, as I would see him in the Flushing office at 76-79 172 St, Fresh Meadows, New York, 11366, working as a receptionist and doing odd and end jobs.
5. For instance, Daniel used to make special pads in the office for my wife because she had a heel spur.
6. I am elderly and, frankly, I simply don't remember the dates of when I knew Daniel to work for Dr. Ivan Abrahamson.


John Palyo

Affirmed to before me this 24th day of July 2018


Notary Public

JANELLE THOMAS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01TH6356596
Qualified in Queens County
My Commission Expires 04-03-2021

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

-----X
Daniel J. Pflanzner,

Plaintiffs,

Civil Action, File No: 1:18-cv-2676

-against-

John Doe PC d/b/a Aadvanced Foot Care
Associates, Hal F. Abrahamson, and
Hal F. Abrahamson as the Executor of the
Estate of Ivan Abrahamson,

Defendants.
-----X

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES AND DEMAND FOR PRODUCTION OF DOCUMENTS**

Defendants, John Doe PC d/b/a Aadvanced Foot Care Associates, Hal F. Abrahamson,
Debra B. Manheim, and Hal F. Abrahamson as the Executor of the Estate of Ivan Abrahamson
("Defendants"), by and through their undersigned counsel, hereby respond to Plaintiffs' First Set
of Interrogatories and Requests for Production of Documents Directed to Answer Defendants as
follows:

PRELIMINARY STATEMENT

1. Defendants have not yet completed their investigation of the facts relating to this action and have not yet completed their preparation for trial. The following responses to the Discovery Requests are given without prejudice to Defendants' right to produce or present, at the time of trial, subsequently discovered evidence.
2. Except for explicit facts admitted herein, no admissions of any nature whatsoever are implied or should be inferred from Defendants' response to the Discovery

Requests. The fact that an individual Discovery Request has been responded to should not be taken as an admission or acceptance of the existence of any facts set forth or assumed by such interrogatory, or that such response constitutes admissible evidence.

3. Each of the responses or objections is based on Defendants' understanding of the Discovery Requests. To the extent that Plaintiff asserts an interpretation of any Discovery Request that is inconsistent with Defendants' understanding, Defendants reserve the right to supplement its objections and responses.
4. In responding to the document requests, Defendants will endeavor to produce those responsive documents presently known by or available to them after a diligent search and reasonable inquiry and that are not privileged or otherwise protected from disclosure. However, discovery with respect to this action has not yet been completed as of the date of these responses, and ongoing discovery and investigation may uncover documents not presently known but upon which Defendants may necessarily rely in this action. As discovery is ongoing and continuing with respect to each of the categories of documents sought by the requests, Defendants reserve the right to supplement these responses to the requests at any time up to and including the trial of this action.
5. These responses are made solely for the purpose of this action. The responses do not waive any appropriate objection, including but not limited to those based on competency, relevancy, materiality, attorney-client privilege, work-product or admissibility, which would require the exclusion of any statement made herein if the statement were offered into evidence in Court. All objections to the Discovery are reserved and may be interposed at the time of trial or other proceeding.

6. Without obligating itself to do so, except to the extent required by the Federal Rules of Civil Procedure, Defendants reserve the right to change or supplement these responses as additional facts or documents are discovered. Defendants reserve the right to utilize subsequently discovered facts or documents at trial.

GENERAL OBJECTIONS

- A. Defendants object to the Discovery Requests and the instructions therein to the extent they seek to impose obligations beyond those contained within the Federal Rules of Civil Procedure.
- B. Defendants object to the Discovery Requests to the extent they seek information not within the possession, custody, or control of Defendants.
- C. Defendants object to the Discovery Requests to the extent they seek information protected by the attorney work-product doctrine, attorney-client privilege, and any other applicable rule of privilege, confidentiality or immunity provided by law. A privilege log will be provided which identifies documents withheld pursuant to these privileges.
- D. Defendants object to the Discovery Requests to the extent they seek information that is equally available to the parties, is in the public domain, or can be found in Defendants' previous or contemporaneous disclosures, or Plaintiffs' disclosures, and the burden of deriving or ascertaining the answer or response is substantially the same for Plaintiffs as it is for Defendants. See Fed. R. Civ. P. 33(d).
- E. Defendants object to the Discovery Requests to the extent they are vague, ambiguous, misleading and/or unintelligible.
- F. Defendants object to the Discovery Requests to the extent they are overly broad, unduly burdensome, oppressive, and/or vexatious.
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- G. Defendants object to the Discovery Requests to the extent they seek information that is not relevant to the subject matter of this action or is disproportional to the needs of the case.
- H. Defendants object to the Discovery Requests to the extent they call for legal conclusions.
- I. Defendants object to Plaintiff's definitions and use of the terms "referred to," "reflect," "relate to" in the Discovery Requests, as such requests are overbroad and unduly burdensome. *Aikens v. Deluxe Financial Services, Inc.*, 217 F.R.D. 533, 535 (D. Kan. 2003) (finding that discovery requests using words like "regarding" or "relating to" with respect to a category or group of documents is facially overbroad).
- J. Defendant objects to Plaintiffs' reference to "Defendants" or agents of Defendants in the Discovery Requests to the extent they include any non-party and any individual who was not a manager or supervisor of Defendants during the dates at issue. To the extent the terms are more broadly defined, they are overbroad, unduly burdensome, seek discovery that is immaterial and irrelevant, and seek discovery that is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORIES

1. State whether the Defendants or Advanced Foot Care Associates ever paid any social security taxes or any other governmental state or federal tax taxes in connection with any employment of the Plaintiff at any time, or submitted any information at any time regarding Plaintiff's employment with Defendants to the Social Security Administration and if so the specific years and months to which the Defendants paid such taxes or made such reports from any employment or Plaintiff at the Rego Park and/or the Flushing offices.

ANSWER: There is no record in Defendants records indicating any paid social security taxes or other governmental state or federal tax taxes in connection with employment of the

Plaintiff, or submitted information regarding Plaintiff, as the Plaintiff was not an employee of Aadvanced Footcare Associates.

2. State the precise number of hours each week, the number of weeks and the dates of such occurrences that Plaintiff pulled and filed charts, sterilized instruments for the Defendants or Jean Abrahamson at the Flushing office as stated by Jean Abrahamson in her affidavit dated August 15, 2018, and whether Plaintiff was paid for such work, how much Plaintiff was paid, what training or certification was provided to Plaintiff for such tasks and how long it would take Plaintiff to complete each of those tasks.

ANSWER: None as Plaintiff was not an employee of Defendants and performed no tasks, received no training or earned any certifications as an employee of Defendants.

3. Identify all staff, podiatrists and or any individual who worked at any time or for any duration for the Flushing office from 2012-2018 and their duties and whether such employees or staff were W-2 employees.

ANSWER:

Ivan P. Abrahamson, DPM- Owner / Podiatrist

Hal F. Abrahamson, DPM Owner / Podiatrist

Jean Abrahamson- PMAC- (Podiatric Medical Assistant, Certified)

- W2 Employee - Answered Phones, made appointments, cleaned office assisted in chair side procedures when warranted, prepared rooms and equipment, received payments, prepared certain booking tasks which were transmitted to the Rego Park main office.

4. State all the dates and the duration that Plaintiff ever worked for the Defendants Aadvanced Foot Care Associates at the Rego Park Office or the Flushing Office and if so, employed the date or dates on which Plaintiff employment was terminated.

ANSWER: From the period 2012 to present, Plaintiff has never worked for Defendants at any office.

5. Identify any employees or owners of defendant Aadvanced Foot Care Associates who regularly performed duties such as sterilize instruments, pull patient charts, interact with patients or open the office for patients from 2006-2017.

ANSWER: See response to interrogatory 3 above.

6. State the total amount of compensation paid to Plaintiff by Defendants from employment with defendant Aadvanced Foot Care Associates from 2012 to and 2018 and for any other periods by which Plaintiff was ever employed with defendant Aadvanced Foot Care Associates.

ANSWER: Plaintiff never worked for Defendants from 2012 to 2018 and thus earned no compensation.

7. State the total number of hours and dates that Plaintiff "ran" errands or favors for the Defendants or for Jean Abrahamson as stated in Defendants answers to Plaintiff's first set of interrogatories, state what activities the errands consisted of state whether Plaintiff was paid for such work and if so, how much the Plaintiff was paid.

ANSWER: There were no set hours for doing occasional favors Jean and Ivan Abrahamson. Doing favors do not constitute employment. These favors were requested by his Aunt and Uncle.

8. State the dates that Lori Karp was employed by Defendants at both the Rego Park Office or the Flushing Office and whether there was any other employee who handled payroll or employee records from 2006-2017.

2017 whether Plaintiff had any permitted access to information regarding regular treatment protocols for patients used by the offices, any permitted access to machinery in the offices.

ANSWER: Plaintiff never had or was given access to the Electronic Health Records program of Aadvanced Footcare Associates. Plaintiff lived in the premises of the Flushing office and passed through the office to access the front door of the home/ premises. Therefore, he had access to the rooms containing equipment and any old remaining paper charts that were stored in the file cabinet at that location.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S DEMAND FOR PRODUCTION OF
DOCUMENTS AND ELECTRONIC INFORMATION**

1. Provide all employee records pertaining to plaintiff in regards to any employment with Aadvanced Foot Care Associates including employment at the Rego Park Office including but not limited to W-2, personal files, paystubs, reports made to the Social Security Administration and also provide any records of payment or employment on behalf of plaintiff at the Flushing office from 2012-2018.

ANSWER: None. Defendants have previously stated that no employment records for Plaintiff exist from 2012 -2021.

2. Provide any documentation related to defendant Aadvanced Care Foot Associates payment of social security taxes in relation to employment of plaintiff from 2002-2005 as shown from the social security employment statement that was provided to defendants in plaintiff's opposition to defendants motion to dismiss that shows such taxes being paid by defendants for

EXHIBIT D

ORIGINAL

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CIVIL DIVISION - CENTRAL ISLIP

-----x
DANIEL J. PFLANZER,

Civil Action, File No.
2:18-cv-2676

Plaintiff,

-against-

JOHN DOE PC d/b/a ADVANCED FOOTCARE ASSOCIATES,
HAL F. ABRAHAMSON, DEBRA B. MANHEIM, and
HAL F. ABRAHAMSON AS THE EXECUTOR OF THE ESTATE
OF IVAN ABRAHAMSON,

Defendants.
-----x

Via Zoom
New York

October 14, 2021
Time Started 11:00 am

EXAMINATION BEFORE TRIAL of
HAL ABRAHAMSON, Defendant, held at the
above-mentioned time and place, before
Pamela Ross, a Stenographer and Notary
Public within and for the State of New York.

ALL STAR REPORTERS

HAL ABRAHAMSON

A P P E A R A N C E S:

STEPHEN C. DACHTERA, ESQ.

10105 Lefferts Blvd., Suite 207

S. Richmond Hills, New York 11419

Attorney for Plaintiff

LAW OFFICE OF DANIEL R. OLIVIERI, PC

100 Jericho Quadrangle Suite 233

Jericho, New York 11753

Attorney for Defendants

ALL STAR REPORTERS

1 HAL ABRAHAMSON

2 221. UNIFORM RULES FOR THE

3 CONDUCT OF DEPOSITIONS.

4 221.1: Objections at Depositions (a)

5 Objections in general. No objections shall be
6 made at a deposition except those which, pursuant to
7 subdivision

8 (b), (c) or (d) of Rule 3115 of the Civil
9 Practice Law and Rules, would be waived if not
10 interposed, and except in compliance with subdivision
11 (e) of such rule. All objections made at a deposition
12 shall be noted by the officer before whom the
13 deposition is taken, and the answer shall be given and
14 the deposition shall proceed subject to the objections
15 and to the right of a person to apply for appropriate
16 relief pursuant to Article 31 of the CPLR.

17 (b) Speaking objections restricted.

18 Every objection raised during a deposition shall
19 be stated succinctly and framed so as not to suggest
20 an answer to the deponent and, at the request of the
21 questioning attorney, shall include a clear statement
22 as to any defect in form or other basis of error or
23 irregularity. Except to the extent permitted by CPLR
24 Rule 3115 or by this rule, during the course of the
25 examination, persons in attendance shall not make

ALL STAR REPORTERS

HAL ABRAHAMSON

statements or comments that interfere with the questioning.

221.2 Refusal to answer when objection is made. A Deponent shall answer all questions at a deposition, except (i) to reserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.

221.3 Communication with the deponent.

An Attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and in such event, the reason for the communication shall be

ALL STAR REPORTERS

HAL ABRAHAMSON

stated for the record succinctly and clearly.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before a Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.

HAL ABRAHAMSON

THE COURT REPORTER: The attorneys participating in the deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.

You further acknowledge that, in lieu of an oath administered in person, the witness will verbally declare his testimony in this matter is under penalty of perjury.

The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting.

Please indicate your agreement by stating your name and your agreement on the record.

MR. DACHTERA: Stephen Dachtera, I agree, attorney for plaintiff.

MR. OLIVIERI: Daniel Olivieri for the defendants and Hal Abrahamson.

H A L A B R A H A M S O N ,

having been first duly sworn, was examined and testified as follows:

THE COURT REPORTER: Please state and spell your name for the record.

THE WITNESS: Hal Abrahamson, H A L
A B R A H A M S O N.

1 HAL ABRAHAMSON

2 what you mean by him helping him is that he put him on the
3 payroll?

4 A Based on that document it looks like he put him on
5 the payroll.

6 Q And your father and you were partners in this
7 business, right?

8 A Yes.

9 Q So he had authority to do this, correct?

10 A Yes.

11 Q So he never told you?

12 A No.

13 Q And it's the first time you're finding out?

14 A The first time I'm finding out, yes.

15 Q And you still are stating that Mr. Pflanzner never
16 worked for your company?

17 A As far as I'm concerned, yes.

18 Q As far as you're concerned.

19 But your father hired Mr. Pflanzner, so as far as he
20 was concerned he worked for you?

21 MR. OLIVIERI: Note my objection to the form of
22 the question.

23 Go ahead if you can.

24 A Can you repeat the question.

25 Q Sure. According to you, Mr. Pflanzner never worked for

HAL ABRAHAMSON

A Finish the question.

Q When your accountant does the taxes for the business and for your employees they report their income to Social Security. Correct?

A Correct.

Q Okay. And you take out Social Security taxes and medical care out of your employees' paychecks, correct?

A Correct.

Q And that's how Social Security has a record of what they earn, correct?

A Correct.

Q Okay. So, based on this document it would be fair to say that your father paid Mr. Pflanzner on the books and took out taxes for him?

MR. OLIVIERI: Note my objection to the form of the question.

Go ahead if you can.

A It would be apparent to me, yes, for the purpose of Mr. Pflanzner being able to collect Social Security when he's older. That was how my father worked, he tried to be nice to

Q Okay. Do you know how many hours he worked?

A No.

Q No. Do you know what he did?

ALL STAR REPORTERS

HAL ABRAHAMSON

A No.

Q How often did you speak to your father in running this business in 2003?

A I can't recall.

Q Did -- you said you went back and forth when needed. Did you talk to him at the end of every day?

A Sometimes.

Q Sometimes. And Mr. Pflanzner never came up?

A No.

Q So, from 2003 to 2005 you spoke to him maybe once a day for three years, Mr. Pflanzner never came up?

MR. OLIVIERI: Note my objection to the form.

Go ahead.

A I can't recall that far back.

Q You can't recall.

When you visited the office in Flushing you never saw Mr. Pflanzner there?

A Not in the office.

Q Where did you see him?

A Sometimes in the street, but not in the office.

Q Did you ever see him in Rego Park?

A On occasion.

Q And when you say on occasion, how often was that in

10137

HAL ABRAHAMSON

Q '06?

A I can't recall.

Q '07?

A I can't recall.

Q From 2008 to 2010 did you terminate any employees?

A I can't recall.

Q From 2011 to 2014 did you terminate any employees?

A I can't recall.

Q From 2015 to 2017 did you terminate any employees?

A Yes.

Q Who?

A One of the doctors.

Q What was the doctor's name?

A I will have to get that to you, I don't recall off the top of my head.

Q And did you terminate them by the same process you terminated Debra Manheim?

A Yes.

Q Do you remember or do you recall if your father ever terminated or when did Mr. Pflanzner stop working for Advanced
Pharmaceuticals?

MR. OLIVIERI: Note my objection.

You have a compound, multiple compound questions there.

HAL ABRAHAMSON

Is that what he said?

That's what he wrote.

That's what he wrote, correct?

MR. OLIVIERI: Yes, that's what he wrote.

MR. DACHTERA: I'm not asking you, I'm asking
him.

Yes, that's what he wrote.

Was his wife a patient?

I don't know.

You don't know.

So, how long have you known Mr. Palyo or known of him?

I don't recall that.

You don't recall that.

So, is it your testimony that Mr. Palyo is mistaken,

never made pads for his wife?

Is it my testimony what? Repeat the question.

Is it your testimony that Mr. Pflanzner never made pads

Palyo's wife?

I don't know.

You don't know.

So he might have?

I guess, yeah.

What do you mean, he might have, right?

Yes.

ALL STAR REPORTERS

HAL ABRAHAMSON

Q Okay. So if he made pads, if he might have made pads

A His wife wouldn't that constitute working for the office?

A No.

Q It would not?

A No.

Q Why not?

A He could have been doing it as a favor. He was never an employee.

Q So it's a favor. So making pads for patients is a

A In this particular case, yes.

Q What other particular cases are favors? Actually making in the office were favors, delivering charts between

A Sometimes. For my mother.

Q Okay. Were favors, were favors, consist --

MR. OLIVIERI: You totally broke up.

You have to start that whole line of questioning all over.

Q My last question was, would your conception of, quote, include ordering supplies for the office on occasion?

A I was not aware that he ever ordered supplies.

Q Besides making food pads as a favor and delivering charts as a favor, what other favors did Mr. Pflanzner do for

HAL ABRAHAMSON

Now that I have told you that that is what federal law requires of all employers, were you not aware of this for the past 20 years?

A No.

Q Were you not aware of it?

A No.

Q So, at this time you're not sure where the employee records are, right?

A Correct.

Q Let's move on.

In your interrogatories the question was asked, identify all staff, podiatrists and or any individual who worked for the Flushing office from 2012 to 2018.

Your answer, Ivan podiatrist, you podiatrist, Jean podiatric medical assistant, and a fourth person.

I asked you earlier who worked at the Flushing office from 2012 to '18 and you said there were three people; Ivan, you and Jean. Was there any other person?

MR. OLIVIERI: Well, if you have that in front of you why don't you identify that person?

MR. DACHTERA: I'm asking if he wants to change his answer.

MR. OLIVIERI: We don't know, he doesn't recall.

Q Do you recall that these three people worked there?

ALL STAR REPORTERS

HAL ABRAHAMSON

coming over now.

Q Number 3. Can you see it Dr. Abrahamson?

A Yes.

Q Okay. You see you have Ivan, Hal, Jean, and then you've got W-2 employee.

A Yes.

Q So that W-2 employee is who?

A My mother.

Q It's your mother.

A Mr. Pflanzner, or Mr. Dachtera, that question was for who worked there. You had the two doctors and then you asked what the duties were. The doctor as a podiatrist is self-explanatory and the W-2 employee was referring to Jean Abrahamson. I mean, it wasn't a fourth person at all.

MR. DACHTERA: It's not clear.

MR. OLIVIERI: It may not be clear, but that's what it was.

MR. DACHTERA: Okay, that's fine.

We'll move on.

I just want to clarify.

Q Staying on this document, go to number 1.

MR. OLIVIERI: Which exhibit is this, by the way? Is this the second set of interrogatories?

MR. DACHTERA: Yes.

ALL STAR REPORTERS

HAL ABRAHAMSON

Q Okay. Okay. Okay.

Now, you said that your father never really spoke to you about Mr. Pflanzner being put on the payroll. Did he ever talk to you about Mr. Pflanzner being taken off the payroll?

A No.

Q So, you don't know if Mr. Pflanzner was ever taken off the payroll?

A I don't know if Mr. Pflanzner -- Mr. Pflanzner was not an employee, so I can't answer that.

Q But he was on the payroll for Advanced Footcare?

A For those whatever years you showed.

Q Right. So being on the payroll doesn't make you an employee?

A I told you earlier, my father probably did that for him as a favor, but to answer specifically, no.

Q And what records do you have that show or suggest that he wasn't an employee?

A The fact that there were no record of him anywhere.

Q Okay. Well, what do you have to suggest that while he was on the payroll he wasn't an employee? Was there any notes?

A Can you repeat the question.

Q Was there any documents that you can refer to that would tend to prove your statement that even though he was on the payroll he wasn't really an employee?

ALL STAR REPORTERS

HAL ABRAHAMSON

122

Q So that was just ignored somehow?

A You know, I really can't remember back then.

Q So you can remember that you discussed all the employees and what they made, but somehow Mr. Pflanzner just got lost in the shuffle? If that's your answer that's your answer, but I'm just making sure I'm hearing you right.

A Okay.

Q That's a yes?

A Yes.

Q Okay. So you don't know if Mr. Pflanzner or when he was ever taken off the payroll, do you?

A No, I do not know.

Q So it's possible Mr. Pflanzner was on the payroll in 2012?

A In what year?

Q 2012.

A Well, no, he was never an employee.

Q I'm not asking that. I'm asking do you know for certain that he was not on your father's, your father's payroll in 2012?

A Can you please explain the difference between my payroll and my father's payroll?

Q I'm trying to figure that out the last two hours, but I can't explain it, but I'll ask it this way.

ALL STAR REPORTERS

1 HAL ABRAHAMSON

2
3 C E R T I F I C A T E

4 State of New York)
5 County of Westchester)

6
7 I, PAMELA ROSS, a Stenotype Reporter
8 and Notary Public within and for the State of New York,
9 do hereby certify:

10
11 That the witness whose deposition is
12 herein before set forth, was duly sworn by me, and that such
13 examination is a true record of the testimony given by such
14 witness to the best of my ability.

15
16 I further certify that I am not related to
17 any of the parties to this action by blood or marriage, and
18 that I am in no way interested in the outcome of this matter.

19
20 IN WITNESS HEREOF, I have hereunto set my
21 hand this 18th day of October, 2021.

22
23 
24 Pamela Ross
25

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DANIEL J. PFLANZER

Plaintiff,

-against- Docket No.:
18-CV-02676-WFK-LB

JOHN DOE PC d/b/a ADVANCED FOOTCARE
ASSOCIATES, HAL F. ABRAHAMSON, DEBRA B.
MANHEIN AND HAL F. ABRAHAMSON AS THE
EXECUTOR OF THE ESTATE OF IVAN ABRAHAMSON,

Defendants.

-----X

December 16, 2021
4:21 p.m.

EXAMINATION BEFORE TRIAL of JEAN
ABRAHAMSON, a non-party witness herein,
taken by the Plaintiff, pursuant to
Article 31 of the Civil Practice Law and
Rules of Testimony, and Notice, held via
Zoom videoconferencing, before Irene
Mamais, a Notary Public of the State of
New York.

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A P P E A R A N C E S:

CLAUDIO & ASSOCIATES

Attorneys for Plaintiff
89-36 Sutphin Boulevard,
Suite 301-305
Queens, New York 11435

BY: STEPHEN C. DACHTERA, ESQ.

THE LAW OFFICE OF DANIEL R. OLIVIERI

Attorneys for Defendants
487 Jericho Turnpike
Syosset, New York 11781

BY: DANIEL R. OLIVIERI, ESQ.

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND
AGREED by and between the attorneys for
the respective parties hereto that the
sealing, filing, and certification of the
within deposition be waived; that such
deposition may be signed and sworn to
before any officer authorized to
administer an oath, with the same force
and effect as if signed and sworn to
before the officer before whom said
deposition is taken.

IT IS FURTHER STIPULATED AND
AGREED that all objections, except as to
form, are reserved to the time of trial.

1
2 THE COURT REPORTER: The
3 attorneys participating in this
4 deposition acknowledge that I am not
5 physically present in the deposition
6 room, and that I will be reporting
7 from this deposition remotely.

8 They further acknowledge that,
9 in lieu of an oath administered in
10 person, the witness will verbally
11 declare her testimony in this matter
12 is under penalty of perjury. The
13 parties and their counsel consent to
14 this arrangement and waive any
15 objections to this manner of
16 reporting.

17 Please indicate your agreement
18 by stating your name and agreement on
19 the record.

20 MR. DACHTERA: I agree.

21 MR. OLIVIERI: I agree.
22
23
24
25

JEAN ABRAHAMSON

10

1 J. ABRAHAMSON

2 worked in Flushing and part-time in Rego
3 Park.

4 Q. So you're saying she wasn't
5 there at the times that you were there in
6 Flushing?

7 A. Correct.

8 Q. You don't remember what hours
9 she worked?

10 A. Excuse me?

11 Q. Do you remember what hours she
12 might have worked?

13 A. If we were not there on a
14 Tuesday, she was there on a Tuesday. If
15 we weren't there on a Friday, she was
16 probably there on a Friday. We were never
17 in the office at the same time.

18 Q. What were the hours of the
19 office in 2012, do you remember?

20 A. The hours in the office in 2012
21 -- our hours?

22 Q. In Flushing.

23 MR. OLIVIERI: He asked the
24 question. Read that question back,
25 please.

ALL STAR REPORTERS

JEAN ABRAHAMSON

11

1 J. ABRAHAMSON

2 (Whereupon, the last question
3 was read back.)

4 A. The hours per say?

5 Q. Yes.

6 A. Arriving at 9:00 a.m., leaving
7 at 12:30 on Mondays, coming back at 7:30.
8 On Tuesday we were not there. On
9 Wednesday the same story, 9:00 a.m., left
10 at 12:30, did not come back at night.
11 Thursday we were there -- we first started
12 in the afternoon at about two o'clock and
13 except for stopping to eat something, we
14 went right through till about eight or
15 nine o'clock. We did not have hours on
16 Friday and Saturday, he saw very few
17 patients starting like at two in the
18 afternoon. Maybe from two to four, that
19 was it.

20 Q. From 2012 to 2018, you're saying
21 that it was just you and Hal?

22 A. No, Hal was not there. Me and
23 Ivan.

24 Q. Hal worked in Rego Park
25 primarily?

ALL STAR REPORTERS

JEAN ABRAHAMSON

20

1 J. ABRAHAMSON

2 anything for the practice"?

3 A. He couldn't treat patients.

4 Q. Well, he's not a doctor. Aside
5 from the doctor's responsibilities, he did
6 help you with the snow you said, he did
7 help you with the changing of the light
8 bulbs.

9 Is there anything else that he
10 might have done for the practice?

11 A. No.

12 MR. DACHTERA: Scroll down,
13 please.

14 (Scrolling.)

15 Q. All of these things that are
16 listed here, are things that might be done
17 at the Flushing office, right?

18 A. That is correct.

19 Q. Who did all these things?

20 A. I did them most of the time but
21 sometimes Daniel did those. He did not
22 answer the phones, but he did pull charts
23 and he checked the daily sheets of the
24 patients, so he knew which charts.

25 Q. Out of this list that you're

ALL STAR REPORTERS

JEAN ABRAHAMSON

21

1 J. ABRAHAMSON
2 seeing, tell me which ones, by letter,
3 which ones he might have helped you with?

4 A. With B, C, D. No E, no F, he
5 was at the door welcoming patients but
6 that was not his -- all of these are like
7 -- no, he did not apply Bio Freeze, he did
8 not administer whirlpool which we haven't
9 done for 40 years because they're not
10 something we would use.

11 At the end of the day, yes, at
12 the end of the day he might clean the
13 rooms and yes, he did sometimes file and
14 he did sometimes vacuum. I don't know
15 about cleaning and mopping floors, I was
16 not there. Sterilize additional
17 instruments, maybe, but I don't recall.
18 Change vacuum bags, yes, that was for his
19 uncle's health.

20 Q. Did you teach him to sterilize
21 or did Ivan?

22 A. Ivan.

23 Q. Do you remember what year he did
24 that?

25 A. No.

ALL STAR REPORTERS

JEAN ABRAHAMSON

22

1 J. ABRAHAMSON

2 Q. So from what you can recall, did
3 Ivan or you pay Danny to do any of the
4 things that you mentioned he did from this
5 list?

6 A. No.

7 Q. Did you know if Danny ever got a
8 paystub from Ivan or a W-2?

9 A. No, not that I know.

10 Q. Were you aware that Daniel has a
11 W-2 from Advanced Footcare that's on
12 record to the Department of Labor?

13 A. No.

14 Q. Would you be surprised if I
15 showed you that tax statement?

16 MR. OLIVIERI: Note my objection
17 to the form. If you want her to
18 testify to it then you should show it
19 to her.

20 Q. So you're not aware of it?

21 A. No.

22 MR. DACHTERA: Can you scroll
23 down?

24 (Scrolling.)

25 Q. I want to draw your attention to

ALL STAR REPORTERS

JEAN ABRAH

32

1 J. ABRAHAMSON

2 he had another insurance and told him that
3 was not legal and so we took him off.

4 Q. When was that?

5 A. Sorry, sir, I could not tell
6 you.

7 Q. But you have no knowledge of
8 whether Danny was ever put on a payroll?

9 A. No.

10 Q. So how could you know for sure
11 that he was never an employee?

12 A. I can't answer that. I don't
13 know.

14 Q. But you said in your Affidavit,
15 absolutely, he was never an employee.

16 A. He was an employee for a couple
17 of months on paper only for his benefit.

18 Q. So it was on paper?

19 A. But for his benefit and his
20 kindness. Ivan never said that we would
21 hire him.

22 Q. So when was he on paper, when?

23 A. A long time ago.

24 Q. How long?

25 A. Sir, you're asking me questions

ALL STAR REPORTERS

IVAN ABRAHAMSON

33

1 J. ABRAHAMSON

2 I cannot answer, I'm sorry. If Ivan were
3 here, you could depose him. He's not
4 here.

5 Q. I understand.

6 So now you're saying he was on
7 paper for a couple of weeks?

8 A. Yes.

9 Q. Is there any other time you'd
10 like to share with us that he might have
11 been put on the books that you could
12 remember?

13 A. No, absolutely do not know
14 anything about that.

15 Q. When you say "on paper," what do
16 you mean by that?

17 A. I don't know what you mean by
18 the question.

19 Q. Would you mean that he was put
20 on the employee payroll, he was given an
21 employee ID?

22 A. No ID. He was put on for his
23 benefit because he didn't have proper
24 insurance and that's the only thing it was
25 for.

ALL STAR REPORTERS

JEAN ABRAHAMSON

35

1 J. ABRAHAMSON

2 Q. One last question.

3 When was the last time Danny did
4 anything for the practice; whether it was
5 sterilizing an instrument, open a door for
6 somebody, when was the last year that you
7 can recall he did anything, shovel, change
8 a light bulb?

9 MR. OLIVIERI: Note my objection
10 to the form.

11 You can answer.

12 A. I have no idea.

13 Q. Could you give me a rough
14 estimate?

15 A. Well, my husband died on January
16 the 7th and that was the end of the
17 practice, so I can't tell you.

18
19 (Continued on next page to
20 accommodate the jurat.)
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ALL STAR REPORTERS

DANIEL PFLANZER

ORIGINAL

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DANIEL PFLANZER

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CIVIL DIVISION - CENTRAL ISLIP

DANIEL J. PFLANZER,

Civil Action, File No.
2:18-cv-2676

Plaintiff,

-against-

JOHN DOE PC d/b/a ADVANCED FOOTCARE ASSOCIATES,
HAL F. ABRAHAMSON, DEBRA B. MANHEIM, and
HAL F. ABRAHAMSON AS THE EXECUTOR OF THE ESTATE
OF IVAN ABRAHAMSON,

Defendants.

Via Zoom
New York

October 5, 2021

EXAMINATION BEFORE TRIAL of

DANIEL PFLANZER, Plaintiff, held at the
above-mentioned time and place, before
Pamela Ross, a Stenographer and Notary
Public within and for the State of New York.

DANIEL PFLANZER

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DANIEL PFLANZER

A P P E A R A N C E S :

STEPHEN C. DACHTERA, ESQ.

10105 Lefferts Blvd., Suite 207

S. Richmond Hills, New York 11419

Attorney for Plaintiff

LAW OFFICE OF DANIEL R. OLIVIERI, PC

100 Jericho Quadrangle Suite 233

Jericho, New York 11753

Attorney for Defendants

DANIEL PFLANZER

3

DANIEL PFLANZER

221. UNIFORM RULES FOR THE

CONDUCT OF DEPOSITIONS.

221.1: Objections at Depositions (a)

Objections in general. No objections shall be made at a deposition except those which, pursuant to subdivision

(b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.

(b) Speaking objections restricted.

Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination, persons in attendance shall not make

DANIEL PFLANZER

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DANIEL PFLANZER

statements or comments that interfere with the questioning.

221.2 Refusal to answer when objection is made. A Deponent shall answer all questions at a deposition, except (i) to reserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.

221.3 Communication with the deponent.

An Attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and in such event, the reason for the communication shall be

DANIEL PFLANZER

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1 DANIEL PFLANZER

2 stated for the record succinctly and clearly.

3 IT IS FURTHER STIPULATED AND AGREED that the
4 transcript may be signed before a Notary Public with
5 the same force and effect as if signed before a clerk
6 or a Judge of the court.

7 IT IS FURTHER STIPULATED AND AGREED that the
8 examination before trial may be utilized for all
9 purposes as provided by the CPLR.

10 IT IS FURTHER STIPULATED AND AGREED by and
11 between the attorneys for the respective parties
12 hereto that a copy of this examination shall be
13 furnished, without charge, to the attorneys
14 representing the witness testifying herein.

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16 *****
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DANIEL PFLANZER

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1 DANIEL PFLANZER

2 THE COURT REPORTER: The attorneys
3 participating in the deposition acknowledge that I am
4 not physically present in the deposition room and that
5 I will be reporting this deposition remotely.

6 You further acknowledge that, in lieu of an
7 oath administered in person, the witness will verbally
8 declare his testimony in this matter is under penalty
9 of perjury.

10 The parties and their counsel consent to
11 this arrangement and waive any objections to this
12 manner of reporting.

13 Please indicate your agreement by stating
14 your name and your agreement on the record.

15 MR. DACHTERA: Stephen Dachtera, I agree,
16 attorney for plaintiff.

17 MR. OLIVIERI: Daniel Olivieri, attorney for the
18 defendants, and I agree.

19 This deposition was ordered by Magistrate Judge
20 Bloom to occur today, she gave us an order.

21 D A N I E L P F L A N Z E R,

22 having been first duly sworn, was examined and testified as
23 follows:

24 THE COURT REPORTER: Please state and spell you
25 name for the record.

DANIEL PFLANZER

7

1 DANIEL PFLANZER

2 THE WITNESS: Daniel Pflanzner, D A N I E L

3 P F L A N Z as in zebra E R.

4 THE COURT REPORTER: Please state your address for
5 the record.

6 THE WITNESS: 76-79 172 Street, Flushing, New
7 York 11366.

8 DIRECT EXAMINATION

9 BY MR. OLIVIERI:

10 Q Good morning. My name is Dan Olivieri -- Mr.
11 Pflanzner, good morning.

12 A Good morning.

13 Q My name is Daniel Olivieri. I'll be asking a series
14 of questions today.

15 If you don't understand my question please inform me,
16 but you must answer the question once one is posed to you.

17 If you need a break just say so, but if there's a
18 question that has to be answered you can't have a break until
19 you answer the question, okay?

20 A Yes, sir.

21 Q Please also you must respond verbally, you cannot
22 respond by nodding your head up or down.

23 A Yes.

24 Q With respect, Mr. Pflanzner, as you're sitting here
25 today, because I can't see your hands or your feet or anything,

DANIEL PFLANZER

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1 DANIEL PFLANZER

2 practiced in Flushing office, never in his life.

3 Q Okay. With regard to preparing these rooms at the
4 beginning of the day for the practice, you mentioned that you
5 had to get the utensils ready for the doctor. They're
6 instruments, right?

7 Now, what instruments did you prepare?

8 A Nail clippers, hemostat, there's three nail clippers,
9 big, medium, small, there's clips in order if the patient --
10 they have to tie a gauze bandage around the foot, and then
11 there's an instrument that goes between the cuticles of the
12 feet, about five pieces in a tool kit.

13 Q Okay.

14 A Maybe six.

15 Q Okay. Do you know what a standard instrument pack is?

16 A Do I know what it is?

17 Q Yes.

18 A Yes. I just explained it to you.

19 Q Which instruments are in this standard instrument
20 pack?

21 A Small, medium, large clipper, a clip like I explained,
22 and another instrument that goes in between the cuticles.
23 About five or six instruments in a regular nail clip pack.

24 Q Do you know what the difference is between a nail
25 nipper and a nail clipper?

ALL STAR REPORTERS

DANIEL PFLANZER

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DANIEL PFLANZER

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2 Q Who's Olga Adamopoulos?

3 A I don't know about now, she used to work for Advanced
4 Footcare, she booked all the surgeries for Hal.

5 Q She did the bookings?

6 A No, I explained she booked all of Hal's surgeries.

7 Q I understand. What did she train you in?

8 A Trained me -- well, it was Bob and Olga, how to
9 sterilize the instruments, how to wash the instruments, how to
10 load the instrument bags, how to change the chair bed, how
11 to -- what to do, what not to do, to alcohol the instruments
12 after every use, cleaned the room, vacuumed the room, cleaned
13 the bed pan that was in the chair.

14 Q You also answered there was an orthotic specialist who
15 trained you; who was that person?

16 A Bob, Bob did everything with the orthotics, whether he
17 had a license I don't know, but for orthotics Hal and Ivan told
18 Bob to do it and Bob in turn taught me. When it was time for
19 him to leave I would take his place in a sense.

20 Q Where did this training take place?

21 A First in the Flushing office when we were setting up
22 the diabetic shoe program, he would train me a little bit over
23 there, then I would be his shadow, like a waitress at a
24 restaurant.

25 I would watch what he would do, cut the inserts to fit

ALL STAR REPORTERS

DANIEL PFLANZER

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DANIEL PFLANZER

C E R T I F I C A T E

State of New York)
County of Westchester)

I, PAMELA ROSS, a Stenotype Reporter
and Notary Public within and for the State of New York,
do hereby certify:

That the witness whose deposition is
herein before set forth, was duly sworn by me, and that such
examination is a true record of the testimony given by such
witness to the best of my ability.

I further certify that I am not related to
any of the parties to this action by blood or marriage, and
that I am in no way interested in the outcome of this matter.

IN WITNESS HEREOF, I have hereunto set my
hand this 11th day of October, 2021.



Pamela Ross

EXHIBIT E

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK X

EDNY Docket /File No. 18-CV-02676-WFB-LB

-----X
DANIEL J. PFLANZER,

PLAINTIFF,

-against-

JOHN DOE PC d/b/a ADVANCED FOOT CARE ASSOCIATES,

HAL F. ABRAHAMSON, DEBRA B. MANHEIM AND HAL F. ABRAHAMSON

AS THE EXECUTOR OF THE ESTATE OF IVAN ABRAHAMSON

DEFENDANTS
-----X

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATE OF NEW YORK

COUNTY OF QUEENS:

Daniel Pflanzer, being duly sworn deposes and says:

1. I am the plaintiff in the action and make this affidavit in support of my motion for summary judgment.
2. I was an employee of Aadvanced Foot Care Associates since 2002 when I was hired to work there. I was paid less than the minimum wage for the first few years then they stopped paying me.
3. I worked initially at the Rego park office and then went back and forth from there to the Flushing Office.
4. I was not paid minimum wage or any wage for that matter for the period of May , 2012 to when I left in October 2017. I was consistently told by the defendants that they would take of me and not to worry about getting paid. They also told me that I had a roof over my head and I should be helping them. I had to borrow money and get help from my family to be able to meet expenses.

5. I performed various tasks as I stated in my complaint, but most frequently I greeted patients, pulled and organized their charts, made foot pads, cleaned the office, applied Bio freeze cream developed x-rays and vacuum the office. I was not paid for any of this work.
6. I worked predominantly 16 hours a week for that time period.
7. I knew many of the patients of the practice by working there for so long and taking care of some of them. I recited many of these names in my deposition to further show that I did work for the defendants for the years of 2002 till 2017.
8. I do not remember some of the intricate procedures of some of the work I did, specifically the exact measurements of the footpads or the x-ray chemicals used to develop them. A lot of the work I did was by the repetitive nature of the work so that I did it a lot without thinking about what the exact procedures were. So I just do not remember some of those specific things.
9. I worked from 8:30 Am to 1PM Monday and Wednesday, I got there before the doctors came to get the office ready and then stayed after to clean up before they returned later in the day. I also worked 1:30 to 5:30 on Thursday and from 10 PM to 12 AM Monday and Thursday. The late hours were because the defendants worked sometimes very late on those days and I stayed after they left to clean up and prepare the office for the next business day. Unfortunately towards the last few years Hal and Jean stayed even later and I saw them spending time on the medical billing system SAMI which I found out later Hal pleaded guilty to Medicaid fraud. Saturday was only for few hours if they saw patients. So the minimum I worked was 16 hours a week and some weeks I worked 19 hours. I estimate that from May 2012 to October 2017 I worked about 70 weeks of 19 hours per week but for the most part it was 16 hours a week. When I stated I was on call 24 hours it meant that they could call me to do a task if needed because I was close to the office and I was willing to be available, however that rarely happened from my recollection. I am seeking compensation for the period of time that this Court allows for payment of wages for work that I performed for the defendants for all those years.

Dated April 22, 2022


Daniel Pflanzner

Sworn to before me
This 22nd day of April 2022
Ronald Krome

Ronald Krome
State of New York Notary Public
NO. 01KR5018107
Certified in Nassau County
Commission Expires 07/12/2019
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